

EPW

Date: July 6, 2006

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Mail" service.

Kim Blum  
Name (Print)

*Kim Blum*  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	DOI et al.	)	Examiner:	Unassigned
Application No.:	10/563,073	)	Group Art Unit:	Unassigned
Filed:	December 29, 2005	)	Confirmation No.:	3651
Docket No.:	3190-089	)	Customer No.:	33432

For: METHOD OF TREATING DIABETES BY INHIBITING DEGRADATION  
OF AT LEAST ONE OF CREBL1, ATF6, and HNF-4 $\alpha$  By HtrA

**INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 CFR 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 6, 2006

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-SB-08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application, but before an Office Action on the merits and before any Final Office Action or Notice of Allowance.

Should a first Office Action cross in the mail with the filing of this Information Disclosure statement, then applicants respectfully petition under 37 C.F.R. § 1.97(c) to consider the documents set forth in the Information Disclosure Statement.

Information Disclosure Statement

U.S. Patent Application No. 10/563,073

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. *See* 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO-SB-08 be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

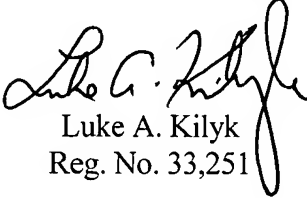
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Information Disclosure Statement

U.S. Patent Application No. 10/563,073

It is believed that no fee is required to make this a complete and timely filing. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925 and please consider this a petition.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No.: 3190-089

KILYK & BOWERSOX, P.L.L.C.

400 Holiday Court, Suite 102

Warrenton, VA 20186

Tel: (540) 428-1701

Fax: (540) 428-1720

Enclosures: PTO/SB/08 w/14 Documents



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/563,073
Filing Date	September 30, 2006
First Named Inventor	DOI et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	3190-089

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city, and/or country where published.	T <sup>2</sup>
		SUZUKI et al., "A Novel Mitochondrial Cell Death-inducing Factor: HtrA2/Omi," Jikken Igaku, 2002, Vol. 20, No. 1, pp 73-75	English Translation
		ISHIHARA, "Cause of Diabetes Mellitus - New Viewpoint of Pathology (Diabetes Mellitus as ER Stress Disease); Naika, 2003, Vol. 91, No. 1, pp 63-67.	English Translation
		IWASAKI et al., "Diabetes Mellitus", Rinsho Byori 2001, Vol. 49, No. 2, pp 161-164	English Translation
		TRENCIA et al. "The Serine Protease Omi/HtrA2 Interacts with PED (Phosphoprotein Enriched In Diabetes) and Controls Its Anti-apoptotic Function", Diabetes Abstract Book, 63 <sup>rd</sup> Science Sessions, June 13-June 17, 2003, ppA423, #1836-P	
		TRENCIA et al., "OMI/HtrA2, A Novel Interacting Partner of PED (Phosphoprotein Enriched in Diabetes) Controls PED Expression And Anti-apoptotic Function, Diabetologia - Clinical and Experimental Diabetes And Metabolism, Abstracts of the 18 <sup>th</sup> Congress of the International Diabetes Federation, Paris, France, August 24-29, 2003, ppA218, #630	
		KOUGAKU, Saibou, Cell Technology, 2002, Vol. 21, No. 4, pp. 360-394	English Translation
		YAMAGUCHI et al., "Bax Plays A Pivotal Role in Thapsigargin-induced Apoptosis of Human Colon Cancer HCT116 Cells by Controlling Smac/Diablo and Omi/HtrA2 Release from Mitochondria, Cancer Research 63, April 2003, pp. 1483-1489	
		SUZUKI et al., "A Serine Protease, HtrA2, is Released from the Mitochondria and Interacts with XIAP, Inducing Cell Death", Molecular Cell, Vol. 8, September, 2001, pp. 613-621	
		HEGDE et al., "Identification of Omi/HtrA2 as a Mitochondrial Apoptotic Serine Protease That Disrupts Inhibitor of Apoptosis Protein-Caspase interaction", The Journal of Biological Chemistry, Vol. 277, No. 1, January, 2002, pp.432-438	
		MARTINS et al., "The Serine Protease Omi/HtrA2 Regulates Apoptosis by Binding XIAP Through a Reaper-Like Motif", The Journal of Biological Chemistry, Vol. 277, No. 1, January, 2002, pp.439-444	
		KAUFMAN, "Orchestrating the Unfolded Protein Response In Health And Disease", The Journal of Clinical Investigation, November 2002, Vol. 110, Number 10, pp. 1389-1398	
		HAZE et al., "Identification of the G13 (cAMP-response-element-binding protein-related protein) gene produce related to activating transcription factor 6 as a transcriptional activator of the mammalian unfolded protein response", Biochem Journal, 2001, Vol. 355, pp. 19-28	
		RYFFEL, "Mutations in the human genes encoding the transcription factors of the hepatocyte nuclear factor (HNF)1 and HNF4 families: functional and pathological consequences, Journal of Molecular Endocrinology, 2001, Vol. 17, pp. 11-29	
		International Preliminary Report on Patentability for PCT/JP2004/014377, mailed April 13, 2006	
Examiner Signature		Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.